

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FARHAN MOHAMOUD)	
TANI WARFAA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:05-cv-701-LMB-BRP
)	
YUSUF ABDI ALI,)	
)	
Defendant.)	
)	

**PLAINTIFF FARHAN MOHAMOUD TANI WARFAA’S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Farhan Mohamoud Tani Warfaa (“Plaintiff”), by counsel and pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56, hereby moves for partial summary judgment in favor of Plaintiff as to two of Defendant’s affirmative defenses, and more specifically, (1) that the ten year statute of limitations under the Torture Victim Protection Act (the “TVPA”) has not run on Plaintiff’s claims, and (2) that Plaintiff has satisfied the TVPA’s requirement to exhaust legal remedies in Somalia. Based on the undisputed material facts and the points and authorities cited herein, Plaintiff’s motion should be granted. In support of this Motion, Plaintiff incorporates the accompanying Memorandum in Support.

WHEREFORE Plaintiff requests that the Court rule as a matter of law that (1) the ten-year statute of limitations under the Torture Victim Protection Act (the “TVPA”) has not run on Plaintiff’s claims, and (2) Plaintiff has satisfied the TVPA’s requirement to exhaust legal remedies in Somalia. Plaintiff further requests that Defendant be prohibited from raising these affirmative defenses at trial.

Dated: April 5, 2019

Respectfully submitted,

By: _____ /s/

Lindsay R. Barnes III (VSB# 85904)
Courtney Saleski (admitted *pro hac vice*)
Louis Ramos (admitted *pro hac vice*)
Benjamin D. Klein (admitted *pro hac vice*)
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000
Email: Lindsay.Barnes@dlapiper.com
Email: Courtney.Saleski@dlapiper.com
Email: Louis.Ramos@dlapiper.com
Email: Ben.Klein@dlapiper.com

L. Kathleen Roberts (admitted *pro hac vice*)
Nushin Sarkarati (admitted *pro hac vice*)
Carmen Cheung (admitted *pro hac vice*)
Center for Justice & Accountability
One Hallidie Plaza, Suite 406
San Francisco, CA 94102
Phone: (415) 544-0444
Fax: (415) 544-0456
Email: kroberts@cja.org
Email: nsarkarati@cja.org
Email: ccheung@cja.org

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April 2019, Plaintiff's Motion for Partial Summary Judgment, Memorandum in Support, and Proposed Order were served upon the following counsel of record via the CM/ECF system and via e-mail:

Joseph Peter Drennan, Esq.
218 North Lee Street, Third Floor
Alexandria, Virginia 22314-2631
Phone: (703) 519-3773
Email: joseph@josephpeterdrennan.com

Respectfully submitted,

/s/
Lindsay R. Barnes III (VSB# 85904)
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Facsimile: (202) 799-5000
Email: Lindsay.Barnes@dlapiper.com